

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHELLEY M. DAY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C06-1560-TSZ  
(CR04-578-TSZ)

ORDER DENYING MOTION  
UNDER 28 U.S.C. § 2255

The Court, having reviewed the motion for relief under 28 U.S.C. § 2255, the briefs of the parties, the Report and Recommendation of Judge James P. Donohue, United States Magistrate Judge, docket no. 23, Petitioner's Objections, docket no. 26, Petitioner's supplemental objections, docket nos. 29 and 31, and the remaining record, does hereby find and Order:

- (1) The Court ADOPTS the Report and Recommendation, docket no. 23.
- (2) Petitioner's motion for relief under 28 U.S.C. § 2255 (Dkt. No. 1) is DENIED.
- (3) The Court GRANTS Petitioner's Motion to File Under Seal, docket no. 25.
- (4) The Court STRIKES Petitioner's Motion for Summary Judgment, docket no. 24, and the supplemental pleadings related thereto, docket nos. 28 and 32, as

ORDER DENYING MOTION  
UNDER 28 U.S.C. § 2255 - 1

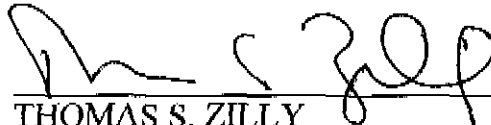


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1 untimely and moot.

2 (5) The Clerk is directed to send copies of this Order to petitioner, to the United  
3 States Attorney, and to Judge Donohue.

4  
5 DATED this 27<sup>th</sup> day of August, 2007.

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8 THOMAS S. ZILLY  
United States District Judge